

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO

TATIA LIPE,

Plaintiff,

v.

1:23-cv-00899-GBW-JMR

ALBUQUERQUE PUBLIC SCHOOLS and  
NEW MEXICO DEPARTMENT OF PUBLIC  
EDUCATION,

Defendants.

**Clerk's Minutes**

**DISCOVERY HEARING**  
**BEFORE MAGISTRATE JUDGE JENNIFER M. ROZZONI**

**Date of Hearing:** September 3, 2025, at 10:00 a.m.  
**Recorded:** Liberty-Hondo  
**Clerk:** KMS  
**Subject Motions:** Plaintiff's Motion to Compel Discovery Responses, Request for Sanctions, and Request for Expedited Ruling (Doc. 88), filed March 11, 2025.  
Plaintiff's Second Motion to Compel Discovery Responses (Doc. 124), filed July 7, 2025.

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**For Plaintiff:** Boglarka Foghi  
**For Defendant:** M. Karen Kilgore

10:06 Court is in session.

10:07 The Court calls the case. Attorneys enter their appearances.

10:08 The Court addresses the parties.

10:10 The Court agrees to address RFPs 1, 2, 4, 8, 15-18 even though they were not initially addressed in either motion to compel.

10:12 The Court discusses the lack of verifications. Ms. Kilgore responds to the Court.

10:13 Ms. Kilgore states that only four people assisted in responding to discovery.

10:14 Ms. Kilgore continues to address the Court. The Court addresses Ms. Kilgore and Ms. Foghi. Ms. Foghi answers the Court.

- 10:15 Ms. Foghi states that the first set of discovery was only verified by Lisa Oliphant.
- 10:16 The Court addresses the parties. Ms. Kilgore responds to the Court.
- 10:17 Ms. Foghi states that she does not have a verification regarding Plaintiff's first set of discovery for Melissa Sedillo, Justin Griego, Socorro Rodriguez, and Bonnie Anderson. Plaintiff only has a verification from Lisa Oliphant.
- 10:18 The Court responds. Ms. Foghi confirms the Court's understanding. Ms. Kilgore responds.
- 10:19 The Court orders APS to provide verifications from the people listed in its response to Interrogatory 1.
- 10:20 The Court takes up Interrogatory 1 noting that it is not fully answered. The Court orders APS to fully answer Interrogatory 1 and its sub-parts. Ms. Foghi responds. Ms. Kilgore states that she has no objection.
- 10:21 The Court takes up Interrogatory 2. The Court asks about the timeframe. Ms. Foghi explains that her client started working at the high school in 2019.
- 10:22 The Court addresses Ms. Kilgore. Ms. Kilgore responds that APS does not object to the timeframe. Ms. Kilgore further responds.
- 10:23 The Court discusses APS's response to Interrogatory 2.
- 10:25 The Court orders APS to fully respond to Interrogatory 2 including its sub-parts. Ms. Foghi agrees with the Court.
- 10:26 Ms. Foghi addresses the Court with concerns that the response to Interrogatory 2 is inaccurate.
- 10:27 The Court takes up Interrogatory 3.
- 10:28 The Court plans to order APS to supplement its responses by **October 3, 2025**. The Court orders APS to fully respond and consolidate its responses into one response. Ms. Kilgore addresses the Court.
- 10:30 The Court orders APS to answer the discovery requests in the form that Plaintiff propounded the discovery for clarity's sake. Ms. Foghi states she has nothing further.
- 10:31 The Court takes up Interrogatory 4. The Court overrules APS's objection.
- 10:32 Ms. Kilgore states that APS's response to Interrogatory 4 is complete. The Court addresses Ms. Foghi. Ms. Foghi responds.
- 10:33 The Court takes up Interrogatory 5. Ms. Foghi addresses the Court conceding that the interrogatory is overbroad. Ms. Foghi notes that she can ask this question at a deposition.

- 10:34 The Court responds. The Court declines to compel APS to further respond to Interrogatory 5.
- 10:35 The Court takes up Interrogatory 6. The Court states that it will limit Interrogatory 6 to crimes of moral turpitude, such as fraud, perjury, etc. for cross examination purposes. The Court compels APS to further respond to Interrogatory 6.
- 10:37 The Court takes up Interrogatory 7.
- 10:38 Ms. Kilgore responds to the Court's question. Ms. Kilgore states that APS is continuing to supplement its response.
- 10:39 The Court orders APS to fully respond to Interrogatory 7 including any supplements by October 3, 2025. Ms. Foghi addresses the Court.
- 10:40 The Court addresses Ms. Foghi. Ms. Foghi responds.
- 10:41 The Court takes up Interrogatory 8. Ms. Foghi addresses the Court. The Court asks Ms. Foghi a question. The Court limits the timeframe to January 2022 to present for Interrogatory 8.
- 10:43 Ms. Kilgore addresses the Court regarding the scope of the question. The Court limits the questions to people in Ms. Lipe's role. Ms. Foghi proposes limiting the question to related service providers.
- 10:45 The Court responds proposing limiting the request to employees who work at high schools. Ms. Foghi responds that all three levels of schooling have the same requirements. Ms. Kilgore continues to argue that the request is overbroad and burdensome.
- 10:46 The Court disagrees that limiting the request to social workers does not seem overbroad.
- 10:47 Ms. Foghi addresses the Court. Ms. Foghi argues that APS should have a central file for all relevant ADA requests.
- 10:48 The Court limits Interrogatory 8 to clinical social workers at any school level from January 2022 to present. Regarding confidentiality, the Court orders the information to be provided with either redactions or pursuant to a stipulated protective order.
- 10:49 Ms. Kilgore states that APS can respond. Ms. Foghi addresses the Court.
- 10:50 The Court asks Ms. Foghi a question. Ms. Foghi responds. The Court states that it is willing to expand the scope of Interrogatory 8 if Plaintiff can provide relevant documentation during the hearing.
- 10:52 The Court takes up Interrogatory 9.

- 10:54 Ms. Foghi responds to the Court. The Court asks Ms. Foghi the relevance. Ms. Foghi responds.
- 10:55 The Court asks what information is missing from APS's response.
- 10:56 Ms. Foghi responds.
- 10:57 The Court addresses Ms. Kilgore. Ms. Kilgore responds. The Court discusses the response with Ms. Kilgore.
- 11:01 The Court orders APS to supplement to clarify that employees are required to directly inform their supervisors. Ms. Kilgore addresses the Court.
- 11:03 The Court goes back to Interrogatory 8. Ms. Foghi responds, pausing to discuss with her client. Ms. Foghi points to APS's EEOC position statement. The Court declines to expand the scope of Interrogatory 8.
- 11:05 The Court takes up Interrogatory 10. Ms. Foghi addresses the Court. Ms. Kilgore states that APS did respond to Request for Production 9. The Court addresses Ms. Kilgore.
- 11:08 The Court asks how many months of FMLA leave Ms. Foghi was approved for. Ms. Foghi states 12 weeks. The Court asks further questions about Ms. Lipe's request for FMLA leave and employment.
- 11:10 Ms. Kilgore argues. The Court asks what documents were provided as a response to Request for Production 9. Ms. Foghi responds that APS responded with a chart to RFP 9. The Court asks Ms. Foghi to confirm.
- 11:12 The Court orders APS to fully respond to Interrogatory 10, as opposed to referring to documents.
- 11:13 Ms. Kilgore confirms. Ms. Foghi agrees. The Court takes up Interrogatory 11.
- 11:14 The Court notes that confidential information can be redacted. The Court discusses the response with Ms. Kilgore.
- 11:17 The Court addresses Ms. Foghi. Ms. Foghi confirms that Plaintiff is seeking the relevant Synergy reports.
- 11:18 The Court expresses concern with APS's response to Interrogatory 11. Ms. Kilgore responds. The Court discusses with Ms. Kilgore.
- 11:22 The Court orders APS to fully responds to Interrogatory 11(a) and 11(b) with the relevant reports from Synergy/MaxCapture.
- 11:23 Ms. Foghi addresses the Court.
- 11:24 Ms. Kilgore responds.

- 11:25 The Court orders APS to fully respond to Interrogatory 11 including the relevant Synergy and MaxCapture reports. If APS cannot provide these reports, the Court requires APS to provide a verified, written explanation as to why it is impossible for APS to provide these reports.
- 11:26 Ms. Foghi addresses the Court. The Court addresses whether a lunch break is necessary. Ms. Foghi address scheduling. Ms. Kilgore addresses the Court.
- 11:29 The Court addresses Ms. Foghi. Ms. Foghi responds. The Court decides that the parties will return at 2:30 p.m. after breaking for lunch.
- 11:30 The Court takes up Interrogatory 12. Ms. Foghi responds to the Court. The Court addresses the parties.
- 11:31 The Court asks about the “other criteria taken into account” referenced in response to Interrogatory 12 noting that the answer is vague. Ms. Kilgore states that she does not know the answer.
- 11:32 The Court orders APS to more fully respond explaining what “other criteria [is] taken into account.” Ms. Foghi addresses the parties. The Court takes up Interrogatory 13.
- 11:33 Ms. Foghi responds to the Court.
- 11:34 The Court asks about the relevant timeframe. The Court and Ms. Foghi discuss.
- 11:35 Ms. Foghi proposes limiting the interrogatory to 2019 to present. The Court asks if the more relevant period is the period when Plaintiff first requested FMLA, which is the 2022-2023 school year.
- 11:36 Ms. Foghi notes that Plaintiff is specifically interested in the Special Education department. The Court discusses with Ms. Foghi.
- 11:37 The Court declines to compel APS to further respond to Interrogatory 13. The Court takes up Interrogatory 14. The Court notes that APS appears to have answered Interrogatory 14.
- 11:38 Ms. Foghi discusses with her client. Ms. Foghi addresses the Court. The Court responds. The Court finds that APS has fully answered Interrogatory 14.
- 11:39 The Court takes up Interrogatory 15. The Court disagrees with APS that the Interrogatory is vague and overbroad. Ms. Kilgore addresses the Court.
- 11:40 The Court overrules APS’s objection. The Court declines to further limit the timeframe. The Court orders APS to fully respond to Interrogatory 15.
- 11:41 The Court takes up Interrogatory 16.

- 11:42 The Court asks what efforts APS has made to answer this interrogatory. Ms. Kilgore responds. The Court orders APS to fully supplement its response. The Court is suspect that APS's response is complete.
- 11:43 Ms. Foghi addresses the Court. The Court responds.
- 11:44 The Court takes up Request for Production 1.
- 11:45 Ms. Foghi states that the Court is correct. The Court addresses Ms. Kilgore stating that it is inclined to order APS to respond.
- 11:46 Ms. Kilgore responds. The Court asks why APS did not attach emails. Ms. Kilgore states that she attached the documents that she provided. Ms. Foghi clarifies that no emails were produced.
- 11:47 The Court orders APS to fully respond to Request for Production 1 and if responsive documents do not exist, APS must specifically state that the documents do not exist. The Court takes up Request for Production 2.
- 11:48 Ms. Foghi responds to the Court. The Court discusses with Ms. Foghi. The Court orders APS fully respond to Request for Production 2 as it relates to Ms. Lipe.
- 11:49 The Court takes up Request for Production 3.
- 11:50 Ms. Foghi responds to the Court. Ms. Foghi explains that APS did not provide any audio recordings.
- 11:51 Ms. Kilgore interjects to clarify. The Court asks a question. Ms. Foghi responds.
- 11:52 Ms. Foghi repeats that no recordings have been provided, and that the recordings do exist. Ms. Foghi and the Court discuss.
- 11:54 The Court orders APS to fully respond to Request for Production 3 and for it to do a complete review as to what responsive documentation that it has. The Court limits the timeframe to January 1, 2022, to present.
- 11:55 Ms. Kilgore asks about the timeframe. The Court responds. Ms. Kilgore and the Court discuss.
- 11:56 The Court decides to push through the lunch hour with all parties' consent.
- 11:57 The Court takes up Request for Production 4.
- 11:58 The Court limits Request for Production 4 to January 1, 2022, to the end of the 2023 school year. The Court orders APS to respond fully within the limited timeframe.
- 11:59 Ms. Foghi states that APS has not responded to this question. Ms. Kilgore confirms.

- 12:00 The Court takes up Request for Production 5. The Court orders APS to verify that its response is complete. If it is not, APS is ordered to fully supplement.
- 12:01 Ms. Kilgore states that she has no questions.
- 12:02 The Court takes up Request for Production 6. The Court's clerk makes a comment to the Court.
- 12:04 Ms. Foghi addresses the Court. The Court discusses with Ms. Foghi.
- 12:05 Ms. Foghi discusses APS's 10,000+ page production.
- 12:06 The Court address its clerk, then Ms. Kilgore.
- 12:07 The Court orders APS to investigate whether it can respond to Request for Production 6 in a more easily understood format. If APS is not able to do so, APS must provide a detailed explanation of why it is not able to do so.
- 12:08 The Court limits Request for Production 6 to the 2022-2023 school year. Ms. Kilgore states that she has no questions. The Court takes up Request for Production 7.
- 12:09 The Court orders APS to investigate and fully respond to Request for Production 7. The Court limits Request for Production 7 to August 2022 to May 2023.
- 12:10 The Court takes up Request for Production 8.
- 12:11 Ms. Kilgore responds.
- 12:12 The Court orders APS to fully respond to Request for Production 8. Ms. Kilgore states that, to her understanding, APS has already responded. The Court orders that APS must explain in its response how it answered this question.
- 12:13 The Court takes up Request for Production 9. Ms. Foghi states the response to Request for Production 9 is not responsive, but she does not have the documents that were produced in front of her. Ms. Lipe addresses Ms. Foghi.
- 12:14 Ms. Kilgore also searches for the response to Request for Production 9. The Court addresses the parties' lack of preparation.
- 12:15 Ms. Kilgore addresses the Court. Ms. Foghi addresses the Court.
- 12:17 Ms. Foghi addresses the Court.
- 12:18 Ms. Kilgore approaches Ms. Foghi and Ms. Lipe to review documents.
- 12:19 The Court addresses the parties. The Court orders APS to provide a full response to Request for Production 9 within the timeframe of August 2022 to May 2023.
- 12:20 The Court takes up Request for Production 10. The Court rules that APS fully respond to Request for Production 10.

- 12:21 The Court takes up Request for Production 11.
- 12:22 Ms. Foghi states that no policies or training materials were provided in response. The Court orders APS to fully respond to Request for Production 11. If there are no responsive documents, APS must provide a written explanation.
- 12:23 The Court takes up Request for Production 12. The Court orders APS to fully respond to Request for Production 11. If there are no responsive documents, APS must provide a written explanation.
- 12:24 The Court takes up Request for Production 13. Ms. Foghi addresses the Court. The Court responds. Ms. Kilgore addresses the Court.
- 12:25 The Court initially limits Request for Production 13 to August 2022 to May 2023. Otherwise, the Court orders APS to fully respond. Ms. Foghi discusses with her client. Ms. Foghi requests to limit the timeframe to 2019 through May 2023.
- 12:26 Ms. Kilgore does not object. The Court limits Request for Production 13 to 2019 to May 2023. Otherwise, the Court orders APS to fully respond.
- 12:27 The Court takes up Request for Production 14. Ms. Kilgore addresses the Court.
- 12:28 The Court limits Request for Production 14 to 2019 to May 2023. Otherwise, the Court orders APS to fully respond. The Court takes up Request for Production 15.
- 12:29 Ms. Foghi proposes a timeframe of 2019 to May 2023. The Court responds. Ms. Foghi discusses with Ms. Lipe. The Court proposes January 2022 to May 2023.
- 12:30 Ms. Kilgore states that she has no objection. The Court discusses limiting Request for Production 15 to January 2022 to May 2023. Ms. Foghi asks for August of 2021. Ms. Kilgore confirms no objection. The Court agrees to limit Request for Production 15 to August 2021 to May 2023.
- 12:31 The Court takes up Request for Production 16. The Court orders APS to respond within the limited timeframe of August 2021 to May 2023.
- 12:32 The Court takes up Request for Production 17. The Court orders APS to respond within the limited timeframe of August 2021 to May 2023.
- 12:33 The Court takes up Request for Production 18. The Court orders APS to respond within the limited timeframe of August 2019 to May 2023.
- 12:34 Ms. Foghi responds to the Court's question. The Court takes up Request for Admission 4.
- 12:35 Ms. Kilgore responds that APS has accurately answered the Request for Admission.
- 12:36 The Court advises APS to supplement if it later learns that its response is inaccurate. Ms. Foghi addresses the Court.



- 12:37 The Court takes up Request for Admission 5. The Court orders APS to revisit its response in light of the additional productions the Court ordered today.
- 12:38 Ms. Foghi states that she has no further argument on Request for Admission 5. The Court takes up Request for Admission 6. Ms. Foghi withdraws her request to compel. She does the same for Request for Admission 8.
- 12:39 The Court takes up Request for Admission 9. Ms. Kilgore responds to the Court conceding that APS has fully responded to Request for Admission 9. Ms. Foghi argues that the response is ambiguous.
- 12:41 The Court addresses the parties. Ms. Kilgore again confirms that APS fully responded to Request for Admission 9. The Court takes up Requests for Admission 10 and 12.
- 12:42 The Court takes up Request for Admission 13. Ms. Foghi responds to the Court.
- 12:43 Ms. Foghi addresses the Court. Ms. Kilgore speaks at the same time. The Court addresses the parties.
- 12:44 Ms. Kilgore addresses the Court.
- 12:45 The Court discusses with Ms. Kilgore.
- 12:46 Ms. Foghi argues.
- 12:47 The Court addresses the parties. Ms. Kilgore addresses the Court.
- 12:49 The Court orders APS to respond to all Requests for Admission through Request for Admission 31. However, the Court states that APS need not respond to Requests for Admission 32-35. Plaintiff may not propound any further Request for Admission.
- 12:50 Ms. Kilgore asks a question. The Court invites Plaintiff to file a motion with regard to Requests for Admission 32-35 if necessary. Ms. Kilgore addresses the Court.
- 12:52 The Court discusses case management deadlines. Ms. Foghi addresses the Court.
- 12:53 Ms. Kilgore responds.
- 12:54 The Court extends the discovery deadline through November 14, 2025. Discovery motions are due December 3, 2025. Pretrial motions are due December 17, 2025.
- 12:56 Ms. Foghi addresses the Court expressing that she may need to request an extension of time.
- 12:57 Ms. Kilgore address the Court.
- 12:58 The Court addresses the parties. The Court denies any relief that was not specifically granted. The Court cautions that APS may face sanctions if it does not respond as ordered today.

12:59 Ms. Kilgore addresses the Court.

1:01 Hearing is adjourned.